

JOHN R. PETROWSKI (JP 4121)
BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778

WM 21-647 JP
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ROSETTA N. PACE,

Docket No.:

Plaintiff,

-against-

NOTICE OF REMOVAL

WAL-MART STORES EAST, LP,,

Defendant.
-----X

**TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendant, WAL-MART STORES EAST, LP, for the removal of this action from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York, respectfully shows this Honorable Court as follows:

1. Defendant, Wal-Mart Stores East, LP, is a defendant in a civil action brought against it in the Supreme Court of the State of New York, County of Queens, that is captioned as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
ROSETTA N. PACE,

Index No.: 725558/2021

Plaintiff,

-against-

WAL-MART STORES EAST, LP,

Defendant.
-----X

Copies of the Summons, the Complaint, and Wal-Mart Stores East, LP's Answer are annexed hereto as Exhibit "A".

2. This action seeks recovery for damages sustained as a result of personal injuries allegedly suffered by plaintiff while on defendant's premises.

3. The grounds for removal are that this Court has original jurisdiction pursuant to 28 U.S.C.A. 1332(a)(1). The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States. Annexed hereto as Exhibit "B" is defendant's Combined Discovery Demands. Annexed hereto as Exhibit "C" is plaintiff's Response to Defendant's Combined Demands and Notice for Discovery and Inspection, received by this defendant on September 29, 2022.

4. Defendant, Wal-Mart Stores East, LP, is a Delaware limited partnership. WSE Investment, LLC is the sole limited partner and WSE Management, LLC is the sole general partner of Wal-Mart Stores East, LP. Both WSE Investment, LLC and WSE Management, LLC are Delaware limited liability companies, and the sole member of both WSE Investment, LLC and WSE Management, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is an Arkansas limited liability company, and its sole member is Walmart Inc.

Walmart Inc. is a Delaware corporation with its principal place of business in Arkansas. Thus, for diversity purposes, the defendant is a citizen of the states of Delaware and Arkansas. See Carden v. Arkoma Assocs., 494 U.S. 185, 195-96 (1990) (stating that, for purposes of diversity jurisdiction, a limited partnership has the citizenship of each of its general and limited partners); Handelsman v. Bedford Village Assocs. Ltd. Pshp., 213 F.3d 48 (2d Cir. 2000) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998)) (stating that, for purposes of diversity jurisdiction, a limited liability company has the citizenship of its members).

5. Upon information and belief, plaintiff is a citizen of the State of New York, County of Kings.

6. Because this action is between citizens of different states and seeks damages in excess of \$75,000.00, pursuant to 28 U.S.C.A. 1332 and 28 U.S.C.A. 1441 and 1446, the case should be removed from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York.

Dated: Northport, New York
October 21, 2022

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

By: s/_____

JOHN R. PETROWSKI (JP 4121)
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 21-647 JP

TO: RATSENBERG & ASSOCIATES, P.C.
Attorneys for Plaintiff
2579 East 17th Street, Suite 51
Brooklyn, New York 11235
(718) 676-5757